

BYLAWS AND PROCEDURES

LOUDOUN COUNTY PLANNING COMMISSION

ARTICLE I

PURPOSE

The Planning Commission of Loudoun County, Virginia, hereinafter referred to as "Commission," shall advise the Loudoun County Board of Supervisors on matters related to the orderly growth and development of Loudoun County.

ARTICLE II

AUTHORITY AND ESTABLISHMENT

The Commission heretofore established in 1943 shall continue as the Planning Commission as set forth in the Loudoun County Zoning Ordinance, and pursuant to authority and provisions of Sections 15.2-2200 and Section 15.2-2212, Code of Virginia.

ARTICLE III

MEMBERSHIP

- A. The Planning Commission shall consist of not fewer than five (5) nor more than fifteen (15) members, appointed by the Board of Supervisors, all of whom shall be residents of the County, qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half (½) of the members so appointed shall be owners of real property.
- B. Members shall be appointed for four (4) years and terms of appointment shall run concurrently with those of the Board of Supervisors. Members of the Commission may receive such compensation as may be authorized by the Board of Supervisors.
- C. Any vacancy in the membership shall be filled by appointment by the Board and shall be for an unexpired term only.
- D. Members may be removed by the Board of Supervisors for malfeasance in office.

ARTICLE IV

DUTIES

The Planning Commission shall have the duty and authority to do the following:

- A. Prepare and recommend a comprehensive plan for the physical development of the County, and review said plan at least once every five (5) years.
- B. Prepare and recommend amendments to the Zoning Ordinance.
- C. Prepare and recommend amendments to the Land Subdivision and Development Ordinance, and approve or disapprove subdivisions consistent with that Ordinance.
- D. Prepare and recommend amendments to the Capital Improvements Program.
- E. Review and make recommendations on all proposals for amendments to the Zoning Ordinance, including but not limited to map amendments, text amendments and proposals for rezoning specific properties.
- F. Review and make recommendations on applications for special exceptions.
- G. Approve or disapprove applications for commission permits.
- H. Elect officers from its membership.
- I. Exercise general supervision of and make regulations for the administration of its own affairs.
- J. Adopt rules, bylaws and procedures consistent with the ordinances of the County and the general laws of the State for the administration of its affairs.
- K. Supervise its fiscal affairs and responsibilities under rules and regulations as prescribed by the Board.
- L. Conduct public hearings on specific items.
- M. Hear and decide all matters referred to and upon which it is required to pass by the ordinances of the County and the Code of Virginia.
- N. Prepare, publish and distribute reports, ordinances and other material relating to its activities.
- O. Prepare and present to the Board of Supervisors an annual report concerning the operation of the Commission and the status of planning within the County. Staff shall prepare the report no later than the first quarter of the following year.

- P. Establish advisory committees when deemed advisable to perform specific functions.
- Q. Review such other matters as may be directed by the Board of Supervisors or consistent with applicable law.

ARTICLE V

OFFICERS

- A. The elected officers of the Planning Commission shall consist of a Chair and a Vice-Chair.
- B. The Chair and Vice-Chair of the Commission shall be elected from the members for a one (1) year term by the Commission at its first regular meeting after January 1, each year.
- C. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected. The Chair and Vice-Chair shall take office immediately and serve for one (1) year or until their successors shall take office.
- D. Vacancies in office shall be filled by regular election procedures.
- E. The Director of Planning or his/her designee shall act as Secretary to the Commission.
- F. A representative of the Office of the County Attorney shall act as Parliamentarian. In the absence of such a representative, the Chair shall designate a member of the Commission as Parliamentarian.

ARTICLE VI

DUTIES OF THE OFFICERS (Elected and County Staff)

- A. The Chair shall:
 - 1. Preside over all meetings.
 - 2. Appoint committees, special and/or standing and assign issues thereto.
 - 3. Rule on all procedural questions (subject to a reversal by a simple majority vote of the members present).
 - 4. Assist the Secretary's staff in determination of advertisements relating to public hearings.

5. Carry out other duties as assigned by the Commission, or as may be appropriate under County ordinance or state law.
 6. May cancel a public hearing or a meeting when there is no business. The meetings are to be held at a time and place determined by the Chair.
 7. The Chair shall, in coordination with the Director of Planning, establish the agenda for the Planning Commission. The Chair shall, at the beginning of each meeting, make the public aware of any changes to previously distributed meeting agendas.
- B. The Vice Chair shall:
1. Act in the absence or inability of the Chair and shall have the powers to function in the same capacity of the Chair in cases of the Chair's inability to act.
- C. The Secretary or his/her designee shall:
1. Keep a written record of all business transacted by the Planning Commission.
 2. Notify all members of all meetings.
 3. Keep a file of all official records and reports of the Planning Commission.
 4. Certify all maps, records, and reports of the Planning Commission.
 5. Serve notice of all hearings and public meetings.
 6. Attend to the correspondence of the Commission.
 7. Maintain a public record of all meetings.
 8. Prepare and be responsible for the publishing of advertisements and posters relating to public hearings.
- D. The Parliamentarian shall advise on all questions relating to rules and parliamentary procedure.

ARTICLE VII

MEETINGS

- A. Public hearings of the Commission are to be held on the fourth Wednesday of each month. Public hearings are to be held at the Board of Supervisors' Meeting Room, Loudoun County

Administration Building, 1 Harrison Street, Leesburg, Virginia, at 6:00 p.m. or at a time and place designated by the Chair.

- B. Worksessions of the Commission are to be held on the second Wednesday of each month.
- C. In the event that Wednesday is a holiday the meeting or hearing will be moved to the following Wednesday. In the event a meeting is cancelled due to inclement weather, the meeting or public hearing, will be moved to the following Wednesday. The work sessions will be held at a place determined by the Chair.
- D. The schedule of Planning Commission meetings is contained in Attachment 1.
- E. Special meetings of the Commission may be called by the Chair or by three (3) members upon written request to the Secretary.
 - 1. The Secretary shall cause to be mailed or delivered, in writing or by telephone to all members, at least five (5) days in advance of a special meeting, a notice fixing the time and place and purpose of the meeting.
 - 2. Notice of a special meeting shall not be required if the time of the special meeting has been fixed at a previous regular meeting or if all members are present at the special meeting or if they filed a written waiver of the required notice.
- F. A majority of the membership of the Commission shall constitute a quorum.
- G. No action of the Commission shall be valid unless a quorum is present and is authorized by a majority vote of those present and voting.
- H. All meetings shall be open to the public except as provided for in the Virginia Freedom of Information Act.
- I. The order of business for meetings shall be:
 - H. Call to order by the Chair
 - I. Determination of a quorum
 - J. Action Summary Review
 - K. Administrative Items (work session meetings only)
 - L. Commission business.
 - M. New Business
 - N. Adjournment.

ARTICLE VIII

RECORDS

The Commission shall keep minutes of all its proceedings, showing evidence presented, the names and addresses of all persons giving testimony, findings by the Commission and the vote of each member upon each question, or if absent or failing to vote, such fact. These minutes shall be a public record. The recording of the meeting shall serve as the official minutes. A written summary of the Commission's actions shall be prepared by the Secretary and presented to the Commission for its approval.

ARTICLE IX (Reserved)

ARTICLE X

PUBLIC HEARINGS

The normal procedure followed for a hearing before the Commission shall be:

- A. Call public hearing to order.
- B. Pledge of Allegiance
- C. Introduction by staff.
- D. Staff presentation which will include a description of properties in issue together with findings by staff (10 minutes).- Questions by Commissioners.
- E. Applicant's presentation (when applicable) including representatives in support of the application (10 minutes). Chair may extend additional time if requested by the applicant prior to the meeting. Questions by Commissioners.
- F. Interested witnesses in favor of or in opposition to the application (public comments): three (3) minutes for individuals and six (6) minutes for individuals who identify themselves as representatives of citizens' organizations or civic associations. This may be modified, at the Chair's discretion. Individuals representing an organization must submit a letter from the organization authorizing that individual to speak on their behalf. No individual will be allowed to address the Commission more than once unless specifically requested by a member of the Commission who has received the approval of the Chair.
- G. Questions by Commissioners may be asked of speakers at the Chair's discretion.
- H. Rebuttal for applicant (5 minutes). This may be modified at the Chair's discretion.
- I. Close of public hearing.
- J. Commission discussion and action.

ARTICLE XI

COMMITTEES

- A. The Chair may establish committees as deemed necessary. Each committee shall have a Committee Chair and a Vice Chair appointed by the Planning Commission Chair.
- B. Committee meetings are held at the call of the Committee Chair.
- C. A Committee report will be offered automatically as a motion.
- D.. At the discretion of the Committee Chair, public comment may be taken at the beginning of each committee meeting with a limit of three (3) minutes per speaker or a time limit as established by the Committee Chair.
- E. Committees may be appointed by the Chair with a majority of the members constituting a quorum.
- F. The Chair of the Planning Commission shall serve as a member of all standing committees.
- G. As the need arises, the Chair shall appoint one or more members of the Planning Commission to provide liaison with the Board of Supervisors, the Board's standing committees, Loudoun's towns, and Citizens Advisory Committees.

ARTICLE XII

ADDITIONAL OPERATING RULES AND POLICIES

- A. The Commission shall report yearly to the Board of Supervisors "concerning the operation of the Commission and the status of planning within its jurisdiction" as prescribed by Section 15.2-2221(e), Code of Virginia.
- B. After a public hearing has been closed, it may be reopened on a majority vote of the Commission.
- C. Motions may be restated prior to a vote.
- D. Parliamentary procedure in Commission meetings shall be governed by the adopted rules of order, Roberts Rules of Order, Tenth Edition, except as modified by resolution of the Commission and so stated in this article.
- E. No new items shall be taken up in a Planning Commission work session after 10:30 p.m., and the Commission shall adjourn promptly at 11:00 p.m., except as modified by the Commission.

- F. No new items shall be taken up in a Planning Commission public hearing after 11:30 p.m., and the Commission shall adjourn promptly at 12:00 a.m., except as modified by the Commission.
- G. Notice of public hearings and publication thereof in a newspaper with general circulation in the County shall be made as required by Section 15.2-2204, Code of Virginia and ordinances enacted by the Loudoun County Board of Supervisors.
- H. Before initiating or requesting staff assistance on substantial projects and matters of policy, individual Planning Commissioners and/or Committees shall coordinate such projects and/or matters with the entire Planning Commission.
- I. The following procedures are established to provide for the enforcement of the Standards of Conduct dated October 23, 2008. The purpose of such enforcement is to protect the integrity and dignity of the legislative process and to assure that the members of the Commission refrain from conduct harmful to the Commission or its purpose.

Any apparent violation of the Standards of Conduct should be reported by a member to the Chair (or to the Vice-Chair in the event of an alleged violation involving the Chair) and to the Director of the Department of Planning. In order for any action to be taken with respect to an alleged violation, such alleged violation must be reported by the member within 30 days after the member becomes aware of the alleged violation. The Chair (or the Vice-Chair in the event of an alleged violation involving the Chair) shall promptly (within no more than 7 days) call the matter to the attention of the alleged violator, make such inquiry into the matter as deemed appropriate to confirm any factual aspects related to the reported violation, and attempt to achieve a satisfactory resolution informally. If a satisfactory resolution cannot thus be achieved within 14 days after the alleged violation has been reported, three Commissioners, other than the subject Commissioner and the member reporting the violation, shall be appointed to conduct a prompt investigation of the matter and report to the Chair, or Vice-Chair as appropriate within 30 days after their appointment. If such investigation finds that the subject Commissioner has breached a provision of the Standards of Conduct, the Commission may impose, by motion and vote of the Commission, disciplinary action which may include a formal warning, reprimand, or censure; provided, however, that no Motion of reprimand or censure shall pass except by 2/3 vote of the membership of the Commission.

Infractions that constitute criminal violations shall be referred to the Commonwealth Attorney.

- J. Planning Commissioners are strongly encouraged to participate in training such as the Certified Planning Commissioners Training offered by the Citizens Planning Education Association of Virginia (www.cpeav.org).

ARTICLE XIII

AMENDMENTS

These bylaws may be amended by a two-thirds (2/3rds) vote of the membership of the Commission.

ARTICLE XIV

EFFECTIVE DATE

- A. Nothing in the foregoing "Bylaws and Procedures" shall be deemed as invalidating any official business transacted by the Planning Commission of Loudoun County, Virginia, prior to adoption of these "Bylaws and Procedures."
- B. The foregoing "Bylaws and Procedures" shall become effective upon a vote of the majority of the membership of the Commission at a regular meeting.
- C. Effective date is *May 12, 2010*

Robert J. Klancher
Chair

Secretary or Designee
Julie Pastor, Director of Planning

PLANNING COMMISSION MEETING SCHEDULE

2 nd <u>Wednesday</u>	6:00 p.m.	Briefing/Worksession
4 th <u>Wednesday</u>	4:30 p.m.	Planning Director's meeting
	6:00 p.m.	Public hearing

Attachment 1